

CLOSED,STAYED,TYPE-I

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-00640-CKK

ARK INITIATIVE v. UNITED STATES FOREST SERVICE
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 04/23/2012
Date Terminated: 02/15/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**ARK INITIATIVE**

represented by **Matt G. Kenna**
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V.

Defendant**UNITED STATES FOREST SERVICE**

represented by **Andrea McBarnette**
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Date Filed	#	Docket Text
04/23/2012	<u>1</u>	COMPLAINT against UNITED STATES FOREST SERVICE (Filing fee \$ 350 receipt number 0090-2907205) filed by ARK INITIATIVE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Kenna, Matt) (Entered: 04/23/2012)
04/23/2012		Case Assigned to Judge Colleen Kollar-Kotelly. (mmh) (Entered: 04/24/2012)
04/24/2012	<u>2</u>	ELECTRONIC SUMMONS (3) Issued as to UNITED STATES FOREST SERVICE, U.S. Attorney and U.S. Attorney General. Consent Form as Main document. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 04/24/2012)
05/03/2012	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/30/2012. Answer due for ALL FEDERAL DEFENDANTS by 5/30/2012. (Attachments: # <u>1</u> Declaration of Mailing, # <u>2</u> Exhibit Return Receipt)(Kenna, Matt) (Entered: 05/03/2012)
05/03/2012	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/30/2012. (Attachments: # <u>1</u> Declaration of Mailing, # <u>2</u> Exhibit Return Receipt)(Kenna, Matt) (Entered: 05/03/2012)

05/03/2012	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES FOREST SERVICE served on 4/30/2012 (Attachments: # <u>1</u> Declaration of Mailing, # <u>2</u> Exhibit Return Receipt)(Kenna, Matt) (Entered: 05/03/2012)
05/23/2012	<u>6</u>	NOTICE of Appearance by Andrea McBarnette on behalf of UNITED STATES FOREST SERVICE (McBarnette, Andrea) (Entered: 05/23/2012)
05/25/2012	<u>7</u>	Consent MOTION to Stay <i>Litigation</i> by UNITED STATES FOREST SERVICE (McBarnette, Andrea) (Entered: 05/25/2012)
05/31/2012		MINUTE ORDER granting <u>7</u> Consent Motion for Stay. The Plaintiff has consented to Defendant's request to stay litigation until July 31, 2012. It is FURTHER ORDERED that the Defendant shall complete its document production upon the Plaintiff by July 6, 2012; and the parties shall file a Status Report by July 31, 2012. Signed by Judge Colleen Kollar-Kotelly on May 31, 2012. (SM) (Entered: 05/31/2012)
07/11/2012	<u>8</u>	MOTION to Expedite <i>and Motion to Hold Defendant in Contempt of Court</i> by ARK INITIATIVE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Kenna, Matt). Added MOTION to Hold in Contempt on 7/12/2012 (nmw,). (Entered: 07/11/2012)
07/11/2012	<u>9</u>	NOTICE of Errata re Proposed Order by ARK INITIATIVE re <u>8</u> MOTION to Expedite <i>and Motion to Hold Defendant in Contempt of Court</i> (Attachments: # <u>1</u> Text of Proposed Order (Amended))(Kenna, Matt) (Entered: 07/11/2012)
07/16/2012	<u>10</u>	MOTION for Extension of Time to <i>Produce Responsive Documents</i> by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(McBarnette, Andrea) (Entered: 07/16/2012)
07/16/2012	<u>11</u>	Memorandum in opposition to re <u>8</u> MOTION to Expedite <i>and Motion to Hold Defendant in Contempt of Court</i> MOTION to Hold in Contempt filed by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A)(McBarnette, Andrea) (Entered: 07/16/2012)
07/17/2012	<u>12</u>	REPLY to opposition to motion re <u>8</u> MOTION to Expedite <i>and Motion to Hold Defendant in Contempt of Court</i> MOTION to Hold in Contempt filed by ARK INITIATIVE. (Attachments: # <u>1</u> Exhibit D, # <u>2</u> Exhibit E)(Kenna, Matt) (Entered: 07/17/2012)
07/19/2012		MINUTE ORDER (paperless). Before the Court are Plaintiff's <u>8</u> Motion to Hold Defendant in Contempt of Court ("Motion for Contempt") and Defendant's <u>10</u> Motion to Extend Nunc Pro Tunc ("Motion to Extend"). Upon careful consideration of the parties' submissions, see ECF Nos. [8, 10, 12], Plaintiff's Motion for Contempt is DENIED and Defendant's Motion to Extend is GRANTED. The forest fires in Colorado in late June and early July 2012 and the derecho affecting the Washington metropolitan area in early July 2012, which hindered Defendant's counsel's ability to communicate with the agency personnel responsible for collecting responsive documents and thereby comply with this Court's Minute Order dated May 31, 2012, constitute good cause and excusable neglect for the modest five-day extension requested. See FED. R. CIV. P. 6(b)(1). Plaintiff's Motion for Contempt, which is identified as a motion for civil contempt in Plaintiff's opening papers, see Pl.'s Mot. for Contempt at 3 n.2, is moot because civil contempt is used to compel compliance with a court order, and Defendant has complied with this Court's Minute Order dated May 31, 2012 by producing responsive records. In any event, the Court finds that the circumstances presented do not warrant a contempt sanction. Nonetheless, the Court expects Defendant's counsel to file any motions to extend prior to the expiration of the applicable deadline. Signed by Judge Colleen Kollar-Kotelly on July 19, 2012. (lcckk3) (Entered: 07/19/2012)
07/26/2012	<u>13</u>	STATUS REPORT (<i>JOINT</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 07/26/2012)
07/27/2012		MINUTE ORDER – Pursuant to the Joint Status Report filed by the parties on July 26, 2012, the parties shall submit another joint status report within 30 days (by August 27, 2012). Signed by Judge Colleen Kollar-Kotelly on July 27, 2012. (SM)

		(Entered: 07/27/2012)
08/27/2012	<u>14</u>	STATUS REPORT (<i>SECOND</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 08/27/2012)
08/29/2012		MINUTE ORDER: Pursuant to the Joint Status Report filed by the parties on August 27, 2012, the parties shall submit another joint status report within 30 days (by September 26, 2012). Signed by Judge Colleen Kollar-Kotelly on August 29, 2012. (SM) (Entered: 08/29/2012)
08/29/2012		Set/Reset Deadlines: Status Report due by 9/26/2012. (dot) (Entered: 08/30/2012)
09/26/2012	<u>15</u>	STATUS REPORT (<i>THIRD</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 09/26/2012)
10/08/2012		MINUTE ORDER (paperless). Pursuant to the Joint Status Report filed by the parties on September 26, 2012, the parties shall submit another Joint Status Report within 30 days (by OCTOBER 26, 2012). Signed by Judge Colleen Kollar-Kotelly on October 8, 2012. (lcckk1) (Entered: 10/08/2012)
10/09/2012		Set/Reset Deadlines: Joint Status Report due by 10/26/2012. (dot) (Entered: 10/09/2012)
10/25/2012	<u>16</u>	STATUS REPORT (<i>JOINT, FOURTH</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 10/25/2012)
10/25/2012		MINUTE ORDER: Pursuant to the Fourth Joint Status Report filed by the parties on October 25, 2012, the parties shall submit another Joint Status Report within 30 days (by November 26, 2012). Signed by Judge Colleen Kollar-Kotelly on October 25, 2012. (SM) (Entered: 10/25/2012)
11/26/2012	<u>17</u>	STATUS REPORT (<i>FIFTH</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 11/26/2012)
11/26/2012		MINUTE ORDER. Pursuant to the Fifth Joint Status Report filed by the parties on November 26, 2012, the parties shall submit another Joint Status Report within 45 days (by JANUARY 10, 2013). Signed by Judge Colleen Kollar-Kotelly on November 26, 2012. (lcckk1) (Entered: 11/26/2012)
11/27/2012		Set/Reset Deadlines: Joint Status Report due by 1/10/2013 (tcb) (Entered: 11/27/2012)
01/10/2013	<u>18</u>	STATUS REPORT (<i>SIXTH</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 01/10/2013)
01/10/2013		MINUTE ORDER: Pursuant to the Sixth Joint Status Report filed on January 10, 2013, the parties have indicated that they have settled the merits of the case and request to submit another Joint Status Report within 30 days to allow additional time to attempt to settle Plaintiffs claim for litigation costs, including attorneys fees. Accordingly, the parties shall file another Joint Status Report by no later than February 9, 2013. Signed by Judge Colleen Kollar-Kotelly on January 10, 2013. (SM) (Entered: 01/10/2013)
01/10/2013		Set/Reset Deadlines: Joint Status Report due by 2/9/2013. (dot) (Entered: 01/15/2013)
02/08/2013	<u>19</u>	STATUS REPORT (<i>SEVENTH</i>) by ARK INITIATIVE, UNITED STATES FOREST SERVICE. (Kenna, Matt) (Entered: 02/08/2013)
02/11/2013		MINUTE ORDER: Pursuant to the parties <u>19</u> Joint Status Report (Seventh) filed on February 8, 2013, the Court shall grant the parties request to allow additional time of 30 days (until March 11, 2013) to finalize settlement. Accordingly, by or before March 11, 2013, if the case has been resolved, the parties shall file a notice of dismissal; however, if the case has not settled within 30 days, the parties shall file a Joint Status Report on or before March 11, 2013. Signed by Judge Colleen Kollar-Kotelly on February 11, 2013. (SM) (Entered: 02/11/2013)
02/11/2013		Set/Reset Deadlines: Joint Status Report due by 3/11/2013 if case is not settled. (dot) (Entered: 02/11/2013)

02/14/2013	<u>20</u>	STIPULATION of Dismissal – <i>Joint</i> by UNITED STATES FOREST SERVICE. (McBarnette, Andrea) (Entered: 02/14/2013)
02/15/2013		MINUTE ORDER (paperless). By operation of the parties' <u>20</u> Stipulation of Settlement and Dismissal, this action is hereby DISMISSED WITH PREJUDICE. Fed. R. Civ. P. 41(a)(1)(A)(ii). The Clerk of the Court shall mark this action as closed. Signed by Judge Colleen Kollar-Kotelly on February 15, 2013. (lcckk1) (Entered: 02/15/2013)